

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PATRICK ANSON, JR.,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting Commissioner
of Social Security,

Defendant.

8:22CV174

ORDER

This matter is before the Court on an Unopposed Motion to Reverse and Remand (Filing No. 14) filed by defendant Kilolo Kijakazi, Acting Commissioner of Social Security (“Commissioner”). The Commissioner asks the Court to reverse her final decision denying plaintiff Patrick Anson, Jr.’s (“Anson”) claim for disability benefits under Title II of the Social Security Act (“Act”), 42 U.S.C. § 401 *et seq.*, and supplemental security income under Title XVI of the Act, *id.* § 1381 *et seq.*

She further requests the Court remand this case to allow her to conduct further administrative proceedings pursuant to sentence four of section 205(g) of the Act, 42 U.S.C. § 405(g),¹ and *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991). The Commissioner states that on remand an administrative law judge (“ALJ”) will offer Anson “the opportunity for a hearing and will issue a new decision.” That procedure aligns with Anson’s alternative prayer for relief (Filing No. 11), and the Commissioner avers her motion is unopposed.

¹Sentence four of section 205(g) empowers the Court “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” *Id.*

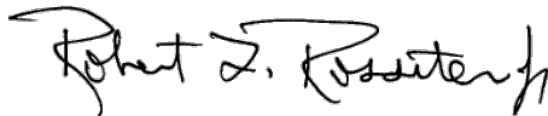
Upon careful review, the Court finds the Commissioner's motion should be granted. Accordingly,

IT IS ORDERED:

1. The Commissioner's Unopposed Motion to Reverse and Remand (Filing No. 14) is granted.
2. The Commissioner's final decision is reversed, and this case is remanded for further administrative proceedings.
3. Anson's pending Motion for an Order Reversing the Commissioner's Decision (Filing. No. 11) is denied.
4. A separate judgment will issue.

Dated this 27th day of September 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge